

19MAG 7549

ORIGINAL

Approved: Samuel P. Rothschild
 SAMUEL P. ROTHSCCHILD
 Assistant United States Attorney

Before: HONORABLE HENRY PITMAN
 United States Magistrate Judge
 Southern District of New York

- - - - -	X	
	:	<u>COMPLAINT</u>
UNITED STATES OF AMERICA	:	
	:	Violations of
- v. -	:	18 U.S.C. §§ 2252A and 2
	:	
BENNETT SPRECHER,	:	
a/k/a "Ben Sprecher"	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendant.	:	
	:	
- - - - -	X	

SOUTHERN DISTRICT OF NEW YORK, ss.:

DAMON GERGAR, being duly sworn, deposes and says that he is a Detective with the New York City Police Department ("NYPD"), and charges as follows:

COUNT ONE

(Possession of Child Pornography)

1. From at least in or about October 2018 up to and including at least in or about August 2019, in the Southern District of New York, BENNETT SPRECHER, a/k/a "Ben Sprecher," the defendant, knowingly did possess and access with intent to view, and attempt to possess and access with intent to view, a book, magazine, periodical, film, videotape, computer disk, and other material containing an image of child pornography that had been mailed, shipped and transported using a means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, SPRECHER possessed images and videos of child pornography in his residence in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(5)(B), (b)(2), and 2.)

COUNT TWO

(Receipt and Distribution of Child Pornography)

2. On or about June 11, 2019, June 13, 2019, and June 18, 2019, in the Southern District of New York, BENNETT SPRECHER, a/k/a "Ben Sprecher," the defendant, knowingly did receive and distribute and attempt to receive and distribute material that contains child pornography that had been mailed, and using a means and facility of interstate and foreign commerce shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit, SPRECHER made available for distribution images and videos of child pornography over the Internet using a computer in his residence in New York, New York.

(Title 18, United States Code, Sections 2252A(a)(2)(B), (b)(1), and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Detective with NYPD, currently assigned to the Criminal Enterprise Investigation Section as a Border Enforcement Security Task Force (BEST) officer with the Department of Homeland Security Investigations. I was previously assigned to the Vice Major Case Squad for eight years. I have been personally involved in the investigation of this matter, and I base this affidavit on that experience, on my conversations with other law enforcement officials, and on my examination of various reports and records. Because this affidavit is being submitted for the limited purpose of demonstrating probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. As set forth below, there is probable cause to believe that BENNETT SPRECHER, a/k/a "Ben Sprecher," the defendant, possessed child pornography in his residence from in or about October 2018 through in or about August 2019, and made child pornography available for distribution over the Internet on or about June 11, 2019, June 13, 2019, and June 18, 2019.

a. Based on my review of records from a law enforcement database, I have learned that an electronic device ("Target

Device-1") bearing a certain static internet protocol address (the "IP Address")¹ connected to a publicly available peer-to-peer file sharing network ("P2P Network") between on or about October 19, 2018 and on or about August 7, 2019 (the "P2P Network Connection Period").

5. Based on my review of documents provided by an internet service provider (the "ISP"), as well as my review of records from a law enforcement database, I have learned the following:

a. A particular ISP account (the "ISP Account") was in service from at least in or about October 2018, up to and including in or about August 2019.

b. The IP Address was associated with the ISP Account from at least on or about October 17, 2018, up to and including on or about August 7, 2019, that is, a period of time that included the P2P Network Connection Period.

c. "Ben Sprecher" was the name provided to the ISP by the registrant for the ISP Account.

d. The ISP Account provided internet service to a certain residence in New York, New York (the "Sprecher Residence").

6. Records provided by a utility company that provides electricity (the "Utility Company") indicate that an individual with a name matching the name of an individual who, based on publicly available records, is married to BENNETT SPRECHER, a/k/a "Ben Sprecher," the defendant, has been a customer of the Utility Company at the Sprecher Residence since on or about January 27, 2006, up to and including August 5, 2019.

¹ Based on my training and experience, I have learned the following: (a) an IP address is a unique numeric address used to identify a particular computer connected to the Internet; (b) an IP address looks like a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178); (c) every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination; (d) most internet service providers control a range of IP addresses; and (e) some computers have static (long-term) IP addresses, while other computers have dynamic (frequently changed) IP addresses.

7. During the P2P Network Connection Period, Target Device-1 made available for download via the P2P Network approximately over 100 videos or photographs that, based on each file's unique Ed2k hash value,² are each identified in another law enforcement database as known to contain child pornography. Based on my review of the law enforcement database's copies of one of the files, it contains child pornography, as described below:

a. The file contains a 45 minute and 50 second video of a preteen girl, about 10 to 12 years old, engaging in various sexual acts with an adult male. Among other things, an adult male can be seen rubbing her genitals, and she can be seen performing oral sex on an adult male.

8. Based on my review of records from a law enforcement database, on or about June 11, 2019, June 13, 2019, and June 18, 2019, the IP Address shared with law enforcement at least four files with Ed2k hash values matching files that are known to contain child pornography.

9. On or about August 13, 2019, other law enforcement agents and I executed a search and seizure warrant (the "Search Warrant") at the Sprecher Residence.

10. While executing the Search Warrant on or about August 13, 2019, I interviewed BENNETT SPRECHER, a/k/a "Ben Sprecher," the defendant, at the Sprecher Residence. During the course of that interview, the following occurred, in substance and in part:

a. SPRECHER was advised of his Miranda rights, waived those rights in writing, and agreed to speak with me.

b. SPRECHER admitted that he lived at the Sprecher Residence.

² Based on my training and experience, I have learned the following: (a) Ed2k hash values use the MD4 (or Message-Digest Algorithm), which is a cryptographic hash function with a digest length of 128 bits; (b) an Ed2k hash value functions as a means of identifying files using a digital "fingerprint" that consists of a unique series of letters and numbers; (c) a file processed by this Ed2k operation results in the creation of an associated hash value often referred to as a digital signature; and (d) Ed2k hash values provide a certainty exceeding 99.99% that two or more files with the same Ed2k hash value are identical copies of the same file regardless of their file names.

c. SPRECHER admitted that he accessed the P2P Network and downloaded child pornography files.

d. SPRECHER admitted that he possessed child pornography files on a WD external hard drive seized from the Sprecher Residence (the "Seized Device").

11. Based on my review of the Seized Device, there appear to be approximately over 100 files on the Seized Device. Based on my review of previews of some of those files, those files appear to be videos of child pornography.

WHEREFORE, the deponent respectfully requests that BENNETT SPRECHER, a/k/a "Ben Sprecher," the defendant, be imprisoned, or bailed, as the case may be.

Det. D. G. #207

DAMON GERGAR

Detective

New York City Police Department

Sworn to before me this
13th day of August 2019

Henry Pitman
HONORABLE HENRY PITMAN
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK